

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Riddington, et al.
Title: GENERIC TRAU FRAME
STRUCTURE
Appl. No.: 10/579,404
International Filing Date: 11/14/2003
371(c) Date: 3/28/2007
Examiner: Zewdu A. Beyen
Art Unit: 2461
Confirmation Number: 1414

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 627 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 627 days

(b) Total Applicant delay: 0 days

Final PTA Determination under 37 CFR §1.703(f): 627 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

Applicant believes that this discrepancy occurred as a result of the PTO's failure to include 276 days of additional PTA accumulated in applicant's favor based on the provisions of 37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1), wherein PTA begins to accumulate in applicant's favor on the day after the commencement of three years from the filing date.

A Request for Continued Examination was filed in the application prior to allowance, and Patent Term Adjustment accordingly stopped accruing under 37 C.F.R. §1.703(b) on 3/3/2010. This PTA component was accordingly "ripe" at the time of allowance and accordingly could have been incorporated into the PTO's determination of PTA.

37 C.F.R. §1.705(d) states that "Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues." As the above-identified issue could arguably be raised under paragraph (b), the applicant is filing this request for reconsideration under an abundance of caution, in the knowledge that the PTO does not include patent term adjustment resulting from 37 C.F.R. §1.703(b) in its PTA calculations at allowance, even if PTA has stopped accruing due to the filing of an RCE.

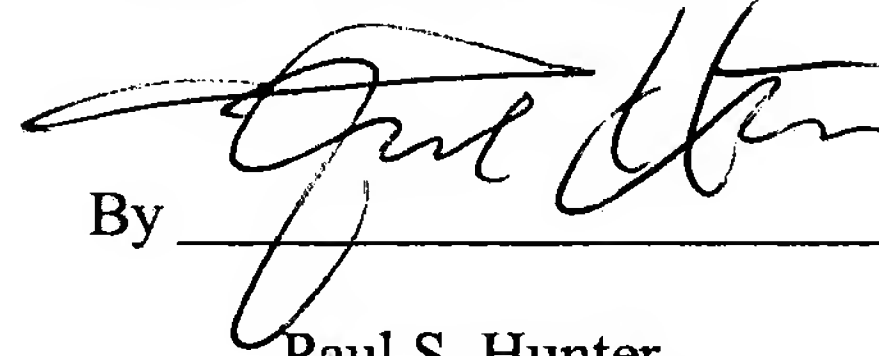
There were no circumstances during the prosecution of the application constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704

Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,



By

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Registration No. 44,787

Date April 6, 2011

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Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 088245-1052
Application Number: 10/579404
Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Priority Date	11/14/2003	-912		
Edit Delete	International Filing Date	11/14/2003	-912		
	PCT National Stage Commencement Date	05/14/2006	0		
Edit Delete	Notice of Missing Requirements	03/05/2007	295		
Edit Delete	National Stage Entry (All 371(c) & (f) Requirements Met)	03/28/2007	318		
Edit Delete	Response to Notice of Missing Requirements	03/28/2007	318		
	14 month From Application date	05/28/2008	745		
Edit Delete	Non-Final Office Action	04/28/2009	1,080	335	
	3 Year Period Starts	05/14/2009	1,096		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	07/22/2009	1,165		
	Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo	11/22/2009	1,288		
Edit Delete	Final Office Action	12/08/2009	1,304	(16)	
Edit Delete	Final Office Action Response Received at PTO	02/02/2010	1,360		
Edit Delete	Advisory Action	02/18/2010	1,376		
	3 Year Period Stopped	03/02/2010	1,388	292	
Edit Delete	Request For Continued Examination (including amendment)	03/03/2010	1,389		
Edit Delete	Non-Final Office Action	03/23/2010	1,409		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	06/16/2010	1,494		
Edit Delete	Final Office Action	09/09/2010	1,579		
Edit Delete	Final Office Action Response Received at PTO	11/04/2010	1,635		
Edit Delete	Advisory Action	11/18/2010	1,649		
Edit Delete	Request For Continued Examination (including amendment)	12/07/2010	1,668		
Edit Delete	Notice of Allowance	01/10/2011	1,702		
	Projected Patent Grant Date	07/19/2011	1,892		
			Totals:	627	0
			PTA:	627	



Version: 3.02.10

LOGIN: Cindy Blazek

IP: 10.24.4.203

Foley & Lardner LLP